



# House of Representatives

General Assembly

**File No. 26**

*January Session, 2001*

Substitute House Bill No. 6583

*House of Representatives, March 8, 2001*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING RECONSIDERATION REQUESTS AND THE  
REOPENING OF MATTERS BY THE COMMISSION ON HUMAN  
RIGHTS AND OPPORTUNITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-83a of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 (a) If a complaint is dismissed pursuant to subsection (b) of section  
4 46a-83, or is dismissed for failure to accept full relief pursuant to  
5 subsection (c) of said section 46a-83, and the complainant does not  
6 request reconsideration of such a dismissal as provided in subsection  
7 (e) of said section 46a-83 the executive director of the commission shall  
8 issue a release and the complainant may, within ninety days of receipt  
9 of the release from the commission, bring an action in accordance with  
10 section 46a-100 and sections 46a-102 to 46a-104, inclusive.

11 (b) The executive director of the commission may, upon the  
12 complainant's request, issue a release from the commission if (1) a

13 complaint is dismissed pursuant to subsection (b) of section 46a-83, (2)  
14 the complainant requests reconsideration of the dismissal, and (3) the  
15 reconsideration request has not yet been acted upon in accordance  
16 with subsection (e) of section 46a-83.

17 Sec. 2. Subsection (c) of section 46a-94a of the general statutes is  
18 repealed and the following is substituted in lieu thereof:

19 (c) The commission on its own motion may, whenever justice so  
20 requires, reopen any matter previously closed by [it] the commission  
21 in accordance with the provisions of this subsection, provided such  
22 matter had not been appealed to the Superior Court pursuant to  
23 section 4-183. Notice of such reopening shall be given to all parties. A  
24 complainant or respondent may, for good cause shown, in the interest  
25 of justice, apply in writing for the reopening of a previously closed  
26 proceeding provided such application is filed with the commission  
27 [within six years of the commission's final decision or by October 1,  
28 2000, whichever comes first. After October 1, 2000, such application  
29 shall be filed] within two years of the commission's final decision.

30 Sec. 3. Section 46a-94a of the general statutes is amended by adding  
31 subsection (d) as follows:

32 (NEW) (d) The standards for reopening a complaint may include,  
33 but are not limited to: (1) A material mistake of fact or law has  
34 occurred; (2) the finding is arbitrary or capricious; (3) the finding is  
35 clearly erroneous in view of the reliable, probative and substantial  
36 evidence on the whole record; and (4) new evidence has been  
37 discovered which materially affects the merits of the case and which,  
38 for good reasons, was not presented during the investigation.

39 Sec. 4. This act shall take effect from its passage.

**JUD**      **JOINT FAVORABLE SUBST.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** Commission On Human Rights and Opportunities

**Municipal Impact:** None

**Explanation****State Impact:**

The bill authorizes the executive director of the Commission On Human Rights and Opportunities (CHRO) to release upon a complainant's request, a discrimination complaint case after it has been dismissed without a full investigation. These are cases that complainants have asked the commission for reconsideration.

The commission may have a workload reduction due to the executive director having the authority of releasing cases from further consideration. The commission has 202 cases that could be reconsidered at the present time and could be released upon the complainant's request.

The bill establishes specific standards for reopening a matter previously closed by CHRO and requires complainant's requests for reopening to be in writing. The commission will not incur any additional workload since these standards clarify their current

practice.

**OLR Bill Analysis**

sHB 6583

***AN ACT CONCERNING RECONSIDERATION REQUESTS AND THE REOPENING OF MATTERS BY THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.*****SUMMARY:**

This bill authorizes the executive director of the Commission on Human Rights and Opportunities (CHRO) to permit people whose discrimination complaints have been dismissed without a full investigation to go directly to court, even if their request to CHRO to reconsider the dismissal is pending. The director may do so only when the complainant asks for permission to go to court. Under current law, CHRO can allow such people to go directly to court only if they have not asked for reconsideration of the dismissal. CHRO relinquishes its jurisdiction to do investigations once it gives the complainant permission to go to court.

The bill establishes specific standards for reopening a closed CHRO matter. The standards include, but are not limited to: (1) discovery of a material mistake of fact or law; (2) the finding is arbitrary or capricious; (3) the finding is clearly erroneous in view of reliable, probative, and substantial evidence on the whole record; and (4) discovery of new evidence which materially affects the merits of the case and which, for good reasons, was not presented during the investigation.

The bill requires that requests to CHRO to reopen a case be in writing. By law, CHRO may reopen a case when asked to do so by a complainant or respondent for good cause shown, in the interest of justice. CHRO may also reopen a case on its own initiative, whenever justice requires it.

EFFECTIVE DATE: Upon passage

**BACKGROUND**

***Dismissal Without Full Investigation***

By law, CHRO may dismiss a complaint without a full investigation if (1) the executive director or her designee determines the accused person is exempt from the anti-discrimination laws, or (2) the case does not state a claim for relief, is frivolous on its face, or has no reasonable possibility that an investigation will result in a reasonable cause finding (CGS Sec. 46a-83(b)).

***Reconsideration of Dismissals***

A request for reconsideration of a dismissal must be made within 15 days from the date CHRO dismissed it. CHRO's executive director must reconsider or reject the request within 90 days from the date CHRO dismissed the complaint (CGS Sec. 46a-83(e)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 38      Nay 1